

LETTER TO THE HON. GILES CARTER GREER (JUDGE), HON. ASHBY R. PRITCHETT (CLERK), ATTORNEY MATTHEW SCOTT THOMAS CLERK (INEFFECTIVE LAWYER), AND GLEN ANDREW HALL (COMMONWEALTH ATTORNEY)

RE: City of Martinsville, Commonwealth of Virginia v. Brian David Hill;
case no. CR19000009-00

SATURDAY, JUNE 18, 2022

<u>ATTN: Hon. Ashby R. Pritchett</u> Martinsville Circuit Court 55 West Church Street Martinsville, Virginia 24112 apritchett@vacourts.gov	<u>ATTN: Hon. Giles Carter Greer</u> Martinsville Circuit Court 55 West Church Street Martinsville, Virginia 24112 cgreer@ci.martinsville.va.us
<u>ATTN: Glen Andrew Hall, Esq.</u> Commonwealth's Attorney for the City of Martinsville 55 West Church Street Martinsville, Virginia 24112 ahall@ci.martinsville.va.us	<u>ATTN: Matthew S.T. Clark</u> Ineffective Attorney 711 B Starling Avenue Martinsville, Virginia 24112 matthewstclarklaw@gmail.com

To Whom it may Concern,

I, Brian David Hill, the criminal defendant in this case will prove as much fraud on the court as possible because the corrupt Commonwealth Attorney Glen Andrew Hall will never admit to defrauding the Court, even when it is clear that it is.

The Secretary of the Commonwealth on June 15, 2022 had denied my request for an Absolute Pardon without it going to the Governor. That was a mistake. Now I have no choice but to prove that the entire criminal case is a fraud on the record, a fraud, not of justice. Then I will be asking a Federal Judge to strike down Giles Carter Greer's final judgment of criminal conviction on November 18, 2019. Either by a 2254 Motion or by a Bivens claim. I will file whatever I have to in order to have a Federal Judge strike down my wrongful conviction because the Governor's office is clueless about how erroneous my criminal conviction really is. It is an error, new evidence is coming.

New evidence by possibly somebody from the government as witness.

PAGE 1 OF 11 - LETTER TO JUDGE, CLERK OF CIRCUIT COURT, MATTHEW CLARK

Anyways, time to question Matthew Scott Thomas Clark on the record in this case, because I plan on filing a third motion for new trial or judgment of acquittal after I secure a witness or evidence possibly from the government or position of government proving that I, Brian David Hill, was NOT MEDICALLY CLEARED on September 21, 2018, I was not medically cleared because the Sovah Health Martinsville hospital (formally Martinsville Memorial Hospital) had ordered laboratory testing and blood alcohol testing but those tests were canceled, confirmed that they were ordered but never completed. They were to be deleted from the chart but the record still existed.

I have no choice but to use the truth even when it makes Matthew Clark, my court appointed lawyer look bad, I DON'T CARE. He will look bad, because he's ineffective.

Remember Matthew Clark when we met in consultation in 2019, and he told me and my family that the Martinsville Police didn't have to do the laboratory tests or drug tests, any of that. We talked about them not conducting the lab tests and Matthew Clark told me and my family during consultation "they don't have to". Well then, he didn't read the original CRIMINAL COMPLAINT then. Matthew Clark didn't read my original criminal complaint in General District Court or he wasn't competent to understand what it meant. Maybe he read it but didn't understand all of the elements of the charge.

In the criminal justice system backed by centuries of judicial case law, in all jury trials and even bench trials, every element of the criminal charge must be proven beyond a reasonable doubt to convict a criminal defendant. Read the highlighted part very closely Matthew Clark, you ineffective lawyer. READ IT CLOSELY.

Matthew Clark told me and my family that they didn't have to do lab test results. However, EVERY ELEMENT OF THE CRIME MUST BE PROVEN beyond a reasonable doubt. One of those elements in the criminal complaint said: "He was medically and psychologically cleared."

Read that on Page 3 of the criminal complaint in the case Mr. Clark:

"He was medically and psychologically cleared. " - One Element of the charge

That was where you went wrong Mr. Clark. You were wrong, because they have to conduct laboratory testing of blood samples to prove Brian was medically cleared.

In case as a lawyer you try to argue that they still don't have to conduct lab testing to prove being medically cleared, let's see what Martinsville Police investigator Robert Jones told the Federal Judge under oath at the Supervised Release Violation hearing on September 12, 2019. Let me cite from the transcript what Robert Jones had to say about laboratory testing.

PAGE 35, FEDERAL HEARING TRANSCRIPT, CROSS EXAMINATION OF POLICE OFFICER ROBERT JONES, CASE NO. 1:13-CR-435-1. Letters Q and A of citation modified to add period after those letters. Hearing dated September 12, 2019, transcribed by Briana L. Bell, RPR, Official Court Reporter. Questions asked under oath, under penalty of perjury. Questions asked by attorney Renorda Pryor.

Q. Was there any tests dealing with his blood alcohol content or anything of that nature?

A. I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.

Did you just see what the officer said Matthew Clark, they normally do laboratory testing and blood alcohol testing. But for some reason they did not conduct any laboratory testing when Officer Robert Jones said "they normally do..." .

That means one thing, Brian Hill was not medically cleared on September 21, 2018. They did not prove that Brian Hill was not drugged up, they did not prove that Brian was not under any substance, drug, narcotic, or gas. Brian could have been given meth by the "guy in the hoodie" or somebody could have drugged Brian on crack cocaine. Those questions can never be answered because those lab tests were canceled.

I think I understand why and I am willing to piss off the Police Chief to bring this up. I think the Martinsville Police Chief G. E. Cassady protects some drug houses, not all of them, but certain drug houses are being protected by this corrupt police chief. We are aware that this police chief does not want to go after certain drug houses including one on Greyson street. Because this corrupt police chief probably protects certain drug houses, he was afraid that me talking about a man in a hoodie making me get naked had something to do with one of the protected drug houses. I bet I'm right on this, ha.

That would explain why the police recorded body-camera footage was covered up, the body-camera footage recorded at the time Brian was arrested on September 21,

PAGE 3 OF 11 - LETTER TO JUDGE, CLERK OF CIRCUIT COURT, MATTHEW CLARK

2018, in violation of two Court Orders from Hon. Giles Carter Greer in ORDER for discovery materials. Glen Andrew Hall violated two court orders from Judge Greer.

Yet Matthew Clerk never pursued contempt proceedings against Glen Andrew Hall and Robert Jones for violating two court orders for discovery. That was another ineffective counsel act that Matthew Clark had done, he failed and refused as my lawyer to pursue the body-camera footage to the extent where there should have been contempt proceedings. He had the grounds to push for contempt proceedings, non-compliance.

Another thing Matthew Clark told me and my family during consultation in 2019 prior to me withdrawing my appeal in the Circuit Court was that the body-camera footage had been destroyed, he told me and my family this. Told us about a body-camera evidence retention period. That shouldn't matter during a pending criminal litigation or criminal investigation. Matthew Clark should have or Scott Albrecht the former Public Defender assistant should have filed a litigation hold letter requesting retention of the blood vials drawn from Brian Hill's arm and a litigation hold letter to retain the police body-camera footage. There was no litigation hold letter at all, evidence spoliated.

Of course Matthew Clark told me and my family that: it could hurt you.

Well if that footage as evidence could have hurt me and my case, then it never would have been destroyed, they would have proudly used the body-camera footage in General District Court, against me to further prove guilt. The only reason to suppress evidence, hide evidence, and destroy evidence is to cover up the truth. Covering up the evidence.

Again, corrupt Police Chief G. E. Cassady protects certain drug houses, I am aware of this because of certain corrupt activities which went on last year (neighbors) beside my grandma's house on Greyson Street. This police chief protects certain drug houses. That is why I believe the cover ups took place. They probably reviewed over the body-camera footage and saw signs that I didn't look right, that I didn't look good when I was talking to Officer Robert Jones. They probably assumed I was drugged or didn't look like somebody who wasn't but the corrupt Police Chief didn't want the protected drug houses to be investigated, so they resorted to just charging me with indecent exposure and covering up any blood samples, covering up the body-camera footage.

Since the Governor's office won't fix this, it is time for me to address the frauds, each fraud in this Circuit Court, then I will get a Federal Judge to strike down Giles Carter Greer's conviction on November 18, 2019. It should be vacated, reversed.

PAGE 4 OF 11 - LETTER TO JUDGE, CLERK OF CIRCUIT COURT, MATTHEW CLARK

I was not medically cleared. I plan on gathering evidence, by private or public investigations. I will do so by whatever means necessary I have at my disposal. As cheaply as possible. I'm on a fixed income but I am persistent. I will keep fighting.

Matthew Clark, I am sorry but you are ineffective counsel, you were ineffective counsel, I am proving your ineffective counsel in 2019. I proved it.

See *Strickland v. Washington*, 466 U.S. 668 (1984), The appropriate standard for ineffective assistance of counsel requires both that the defense attorney was objectively deficient and that there was a reasonable probability that a competent attorney would have led to a different outcome.

I am gathering evidence right now, making moves to get investigations started. Once I have the new evidence which will be somebody in a position of power. I will not say who right now because Glen Andrew Hall will manipulate those investigations to stop, I don't trust this lying lawyer. I don't trust the lying lawyer Matthew Clark either.

Once the investigations are done, I will file those investigations results with this Court, I will use those investigations to compel this Court to vacate my criminal conviction on November 18, 2019.

All I have to prove is that I was not medically and psychologically cleared at the time of arrest. That is an element. You cannot hold somebody criminally culpable who has Autism when they have not been both medically and psychologically cleared proving they were medically able to understand his/her actions, at least in this criminal case.

When Matthew Clark said they didn't have to check lab results, maybe by law they don't have to, but they have to check the lab results when they say under oath, under penalty of perjury in their CRIMINAL COMPLAINT that I was medically and psychologically cleared. I was not. That also disproves INTENT as well, because how can you even prove intent when the person was not truly medically and psychologically cleared? It was important for the police officer to say medically and psychologically cleared. If it wasn't an important element, it wouldn't be there.

Also to Matthew Clark, you screwed up on something else. You didn't ask the worker or contractor from "The Chimney Sweep" business at 1590 Blue Bend Road,

Rocky Mount, Virginia 24151, to be a witness. Regarding October 5, 2017.

I like to report to this Court and also I may end up filing a report with the Virginia State Police if there is any criminal charge I can still push for not under statute of limitations. A criminal charge I want against The Chimney Sweep.

The Chimney Sweep is responsible on October 5, 2017, they were paid \$300 by check, Roberta Hill, using her SunTrust Bank Account, and they installed metal tin on top of the chimney flues. Chimney flues covering up the ventilation shaft to both Apartment 1 and Apartment 2 of 310 Forest Street, Martinsville, VA 24112.

I filed a complaint against The Chimney Sweep with the Attorney General, last month. They are refusing to respond to my complaint, that is because they know they ARE THE CAUSE OF BRIAN HILL'S BEHAVIOR ON SEPTEMBER 21, 2018. They are the cause of what led to Brian Hill being arrested. Glen Andrew Hall can ask for this complaint, a copy of it to be filed on the record. I'd be happy to file a copy of the complaint against The Chimney Sweep with this Court in this case to prove it.

I was under prolonged carbon monoxide exposure from October 5, 2017, to late September 20, 2018. Any medical expert, despite not having the levels of Carbon Monoxide poisoning, prolonged exposure to Carbon Monoxide poisoning gas can lead to psychosis, hallucinations (Where is the "black man in a hoodie"? If Brian was hallucinating?), mental confusion, can worsen Autism with the wandering out late at night away from home because usually only kids with Autism wander away from home but the Carbon Monoxide created a situation where I exhibited behavior usually kids with Autism can have in 2018. CO gas poisoning leads to this.

I have the Hospital lab tests done in 2017, Sinus Tachycardia, abnormal hemoglobin or Blood Cell counts. Abnormal lab test results, injury in my head with blood pouring out on November, 2017. Lab tests conducted.

Lab tests were not conducted on September 21, 2018. I was not medically cleared, when lab tests are already ORDERED but then to be deleted from the chart, they were canceled by the Hospital without a valid explanation on the medical record as to why.

Could it be the corrupt drug houses protecting Police Chief G. E. Cassady caused this????????????????????? The corrupt Police Chief caused evidence destruction????

Even in my letter to the Federal Court about my indecent exposure, I cussed out officer Robert Jones with the f-word saying they aren't doing anything about the drug houses. So they had a good reason to cover up the blood vials and cover up the laboratory results. They had to protect the drug houses and get me on indecent exposure to cover up the truth. What is the truth???

THE TRUTH was that Brian David Hill was not medically cleared on September 21, 2018. A month later Brian was diagnosed as to having a "psychosis", not of a known substance or whatever. Psychosis was diagnosed with in response to Brian Hill's claim about a guy in a hoodie threatening Brian to get naked. That goes back to Carbon Monoxide. Psychosis is one of the symptoms.

I have asked both Franklin County Code Enforcers and Rocky Mount city or town Code Enforcers to hold "The Chimney Sweep" accountable for causing my arrest on September 21, 2018, because of the installation of metal tin on top of the chimney flues causing both the Hot Water Heater (gas) and gas furnace or I should say gas radiator had exhausted gas but the gas was blocked due to the metal tin on top of the chimney flues. The gas had nowhere to go except through my chimney and caused me suffering.

The Chimney Sweep is responsible for the indecent exposure, they should be charged with being the cause of this. They caused the Carbon Monoxide poisoning and gas since October 5, 2017. We have the check stub proving they were paid \$300. Pete Compton can prove to this Court by his witness testimony as to the metal tin on top of the chimney. Through paper, I confronted The Chimney Sweep with this evidence with the witness letter from Pete Compton, filed a complaint with the Attorney General.

Consumer Protection Office, case no. 953850, Confirmation Number: 22-01544; complaint filed on May 17, 2022.

They were confronted with this evidence, and they received a copy of my complaint if I am correct, and they refused to respond. They received a copy of my arrest warrant, they know they caused what happened on September 21, 2018. They knew the Hospital in 2018 did not do their job. I was not medically and psychologically cleared in any way, shape, or form.

It isn't about just proving lack of intent, the element of being medically and psychologically cleared on September 21, 2018, is a FRAUD. They never tested me for any drugs, narcotics, substances, or anything prior to me being arrested. Robert Jones

lied under oath by saying Brian David Hill was medically and psychologically cleared. Either lied or had a blatant disregard for the truth. Lack of probable cause.

Robert Jones said under oath that he didn't get my medical records. Here is a citation, again from the Federal transcript filed with the motion for new trial:

PAGE 34 and 35, FEDERAL HEARING TRANSCRIPT, CROSS EXAMINATION OF POLICE OFFICER ROBERT JONES, CASE NO. 1:13-CR-435-1. Letters Q and A of citation modified to add period after those letters. Hearing dated September 12, 2019, transcribed by Briana L. Bell, RPR, Official Court Reporter. Questions asked under oath, under penalty of perjury. Questions asked by attorney Renorda Pryor.

Q Okay. Did you get those reports from -- the medical reports?

A No, I did not do a subpoena for his hospital records.

Q Okay. Did you speak to a doctor or anyone regarding his condition or anything of that nature that night?

A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.

Q Do you recall any tests that were taken that night besides just checking, I believe you said, his knee?

A No, ma'am. Like I said, when we -- we also checked him for mental health issues is the reason why they cleared him psychologically, to make sure there was nothing going on there. Once they do that, they do lab work and other stuff. I didn't ask about his medical history.

He admitted he didn't even get the medical reports. This officer didn't even know Brian Hill was diabetic. Didn't even believe Brian had autism. The Hospital has records proving that, but the Officer didn't believe Brian and didn't ask the Hospital if Brian was really autistic or was lying to him. This officer was INCOMPETENT, STUPID, He didn't do a good enough investigation worth a damn. He lied under warrant affidavit.

It is clear to this Court, the whole indecent exposure conviction is a fraud, it is erroneous. I will be asking a Federal Judge to strike down this conviction and use this letter as well in the Federal Courts. There are loopholes to the Rooker Feldman Doctrine. I will be pushing Federal Writ of Habeas Corpus. I will be bringing up what a

PAGE 8 OF 11 - LETTER TO JUDGE, CLERK OF CIRCUIT COURT, MATTHEW CLARK

fraud all of this is. This is a fraud, he didn't know whether I was truly medically cleared.

You cannot hold somebody criminally culpable unless they are proven to be medically and psychologically cleared. That is one of the elements of my charge on September 21, 2018. Said under oath me being medically cleared when I was wasn't.

There will be investigations, I will push for them and will not inform the Court as to who is investigating until they are complete. Once they are complete I will ask for those records through FOIA request or by whatever legal means at my disposal.

The Chimney Sweep is the cause of Brian David Hill being naked on September 21, 2018. They are the cause because they installed metal tin on top of the chimney flues. The corrupt Police Chief was afraid of the drug houses being implicated by my claims so they covered up the police body-camera footage and covered up any laboratory results from the Hospital and instead they covered up doing any laboratory work or likely was pressured not to conduct the lab testing results. At no fault of Brian Hill, the lab tests were canceled and thus Brian David Hill was not proven to be medically cleared, that is a lie. Brian was under carbon monoxide gas since October 5, 2017, poisoned from its effects. Prolonged exposure to carbon monoxide can cause abnormal behaviors, any medical expert would have told the jury that prolonged exposure to Carbon Monoxide gas could cause the indecent exposure type behavior.

Matthew Clark failed to have a medical expert even learn about this.

The Hospital failed to medically clear Brian David Hill by the Emergency Room standards, on September 21, 2018. The medical record from November, 2017, a month after The Chimney Sweep was paid \$300 and they installed the metal tin on the exhaust chimney flues where the gas had nowhere to exhaust except in the Apartments, the medical record had complete laboratory results of Brian David Hill. The medical record from September 21, 2018 had no lab results, they were ordered but canceled.

BRIAN WAS NOT MEDICALLY CLEARED. HE IS NOT GUILTY.

Sustaining a criminal conviction, even after I will obtain investigation reports at a later time will make the Judge complicit to fraud on the Court. The judge will need to consider vacating the erroneous conviction on November 18, 2019. It is erroneous.

All I need is one government employee or any expert to admit based on the

evidence that Brian David Hill was not medically cleared on September 21, 2018, then it is more than just Brian not having intent necessary. That element of medically cleared and psychologically cleared is necessary and is part of the criminal charge.

ALL ELEMENTS OF THE CRIMINAL CHARGE MUST BE PROVEN BEYOND A REASONABLE DOUBT.

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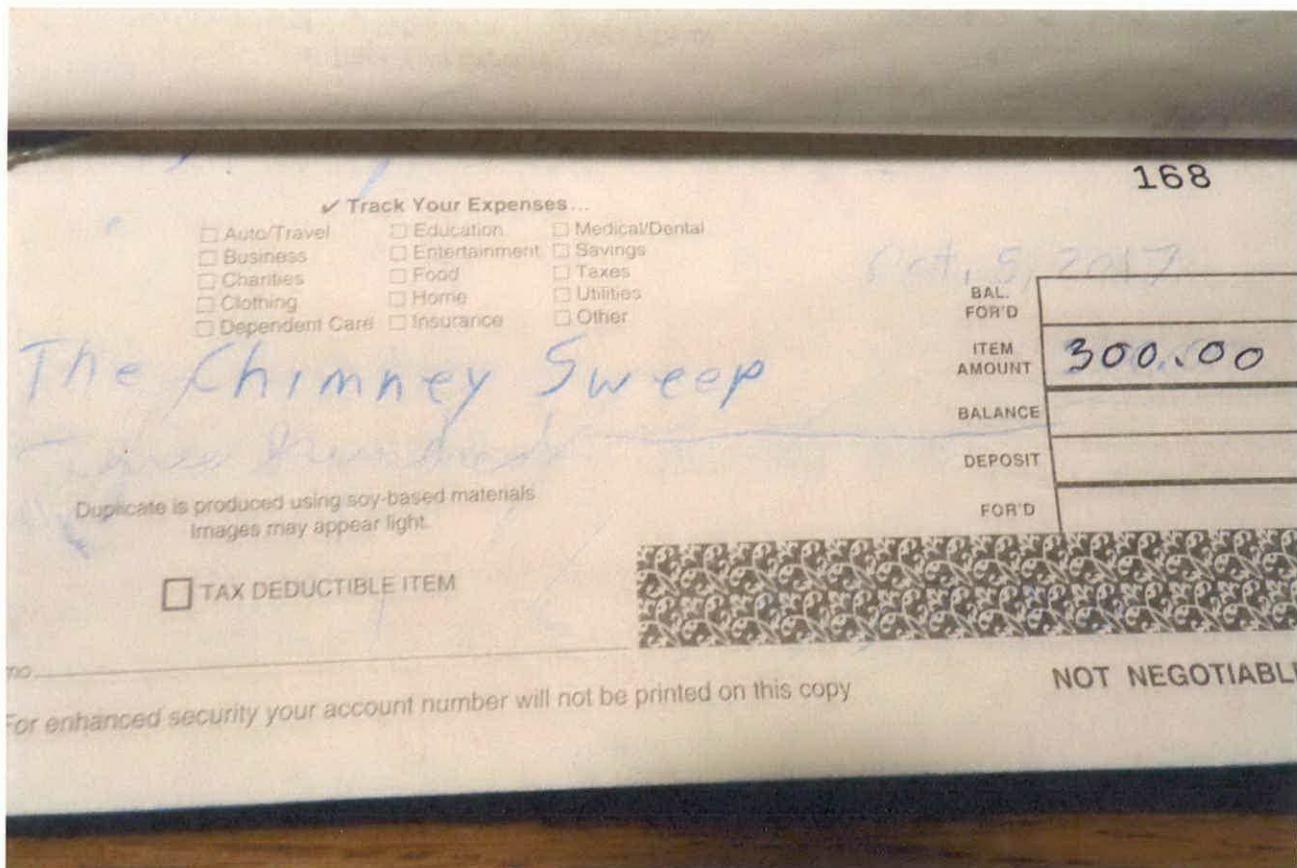
The element of intent is disproven because Brian Hill was not psychologically and medically cleared. I have disproved the medically cleared element. Not all elements are met. I never plead guilty, Hon. Giles Carter Greer knows this. He knows it. He marked out such notion when he accepted my written motion to withdraw appeal. I never waived all of my rights, I preserved my right to prove my innocence at a later time.

I will be getting investigation report or reports at some point because I will push for investigations and will not inform the Court of such investigations until they are completed to protect any investigators from harassment or meddling, I will be asking for acquittal or New Trial again based on Tweed v. Commonwealth, 36 Va. App. 363, 550 S.E.2d 345 (Va. Ct. App. 2001) and Odum v. Commonwealth, 225 Va. 123, 301 S.E.2d 145 (Va. 1983). This judge knows by law I can have a new trial with new evidence.

Once I have investigative reports of any kind, especially from the Government, I will be filing one more motion for new trial or judgment of acquittal.

It doesn't matter about Rule 1:1 and lack of jurisdiction. New evidence does warrant a new criminal trial, you know this, the judges know this. Case law says this.

See the photo of the check stub to The Chimney Sweep in 2017. This proves my mother Roberta Hill paid \$300 to The Chimney Sweep to work on the chimney.



Thank You. Respectfully filed with the Circuit Court, this the 18th day of June, 2022.

Brian D. Hill
Signed
Brian D. Hill

God bless you,
Brian D. Hill
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PAGE 11 OF 11 - LETTER TO JUDGE, CLERK OF CIRCUIT COURT, MATTHEW CLARK